

Appln No. 10/628,675
Amdt date January 4, 2006
Reply to Office action of October 21, 2005

REMARKS/ARGUMENTS

The above-identified patent application has been amended and reconsideration and reexamination are hereby requested. Claims 2-31 are now in the application. Claim 2 has been amended. Claim 1 has been previously cancelled. No claims have been added.

The Examiner has rejected Claims 2, 4-7, 9, 11-14, 16, 18, 20-23, 24, 26 and 28-30 under 35 U.S.C. §103(a) as being unpatentable over Deck et al. U.S. Patent No. 6,005,477 ("Deck") in view of Lewis et al. U.S. Patent No. 6,601,209 ("Lewis1"). The Applicant respectfully traverses these rejections.

The Applicant's amended independent Claim 2 calls for "a modulator coupled to the interleaver for modulating each interleaved encoded non-telephone data packet to form modulated interleaved encoded non-telephone data packets that are transmitted over a non-dedicated local area network channel." (Emphasis Added). The Applicant's independent Claims 9, 16 and 24 call for "receiving ... from a non-dedicated local area network channel," "a controller chip residing on a board within the computer and coupled to a non-dedicated local area network channel ... wherein the controller chip ... transmits ... over the non-dedicated local area network channel" and "a controller chip residing on a board within the computer and coupled to the non-dedicated local area network channel," respectively. (Emphasis Added).

The Applicant submits that Deck nor Lewis1, neither alone nor in combination, teach the claimed element of a "non-dedicated local area network channel." Deck, while providing that transmitter 1 is coupled to a "network line (3) ... [that is] part of ... [a] power supply network" (col. 5, lines 10-15), does not teach a "non-dedicated local area network channel." The objective of the Deck system is to provide a transmitter 1 that transmits control data over the network line (3) of the power supply network between a control center and a remote substation near the home of an end user. (See col. 5, lines 16-17). As known to those skilled in the art, power supply networks span geographic areas that are much more expansive than that of a local area network as a power supply network often includes generation, distribution and transmission facilities and

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subnetworks. Accordingly, in teaching network line (3) through a power supply network, Deck does not teach a "non-dedicated local area network channel."

Further, the Applicant submits that Lewis1, while providing for wireless internet communication channel 16, does not teach a "non-dedicated local area network channel." Lewis1 teaches a communication channel that "preferably ... comprises the wireless Internet." (Col. 3, line 21; FIG. 1). As is known to those skilled in the art, a channel that "comprises the wireless Internet" is vastly more expansive than a local area network channel. Accordingly, Lewis1 does not teach a "non-dedicated local area network channel."

Accordingly, the Applicant submits that even if there was a suggestion or motivation to combine Deck and Lewis1, the combined references would not teach the claimed element of a "non-dedicated local area network channel," and therefore amended Claim 2 as well as Claims 9, 16 and 24 are not unpatentable over Deck in view of Lewis1.

Claims 4-7 are dependent on Claim 2, Claims 11-14 are dependent on Claim 9, Claims 18 and 20-23 are dependent on Claim 16 and Claims 26 and 28-30 are dependent on Claim 24 and therefore incorporate all of the limitations of the independent claims as well as their additional limitations. Dependent Claims 4-7, 11-14, 18 and 20-23 have been rejected under the same combination of references as independent Claims 2, 9, 16 and 24. As such, these dependent claims are believed allowable based upon the reasons provided for the respective independent claim from which each dependent claim depends and for their additional limitations.

Accordingly, the Applicant submits that even if there was a suggestion or motivation to combine Deck and Lewis1, the combined references would not teach the claimed element of a "non-dedicated local area network channel" and Claims 4-7, 11-14, 18 and 20-23 are not unpatentable over Deck in view of Lewis1.

The Examiner has rejected Claims 3, 8, 10, 15, 17, 25 and 31 under 35 U.S.C. §103(a) as being unpatentable over Deck in view of Lewis1 and further in view of Edson U.S. Patent No. 6,526,581 ("Edson"). The Applicant respectfully traverses these rejections.

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The Applicant submits that there is no suggestion or motivation to combine Deck and Lewis1 with Edson. The Applicant respectfully traverses these rejections.

Claims 3 and 8 are dependent on Claim 2, Claims 10 and 15 are dependent on Claim 9, Claim 17 is dependent on Claim 16, Claims 25 and 31 are dependent on Claim 24, respectively. As such, the dependent claims include all of the claimed limitations of the independent claims from which they depend, including a "non-dedicated local area network channel."

First, as noted above, Deck nor Lewis 1, neither alone nor in combination, teach a "non-dedicated local area network channel."

Second, there is no suggestion or motivation to combine the Deck, Lewis1 and Edson, which the Examiner submits teaches a telephone line, because the nature of the problem to be solved in Deck is vastly different than the nature of the problem to be solved in Edson and therefore combining the references would render the Deck system unsatisfactory for its intended purpose. Accordingly, the Applicant submits that Claim 1 is not unpatentable over Deck in view of Lewis1 and further in view of Edson.

The nature of the problem to be solved in Deck system is control of equipment located at remote locations from the transmitter. Specifically, the Deck system provides a transmitter adapted to transmit control data from a control center to a remote substation, via a network line of a power supply network, to control a device at the substation or to control the power to the home of an end user. (See Col. 5, lines 16-17; See Also Col. 2, lines 59-65). As noted in Deck: "electricity supply companies, for example, wish to interrogate and remotely control power supply network facilities ... or optimize the utilization of the network by remote interrogation and control of end users." (Col. 1, lines 23-37). The Deck transmitter 1 is coupled to a "network line ...[that is] part of ...[a] power supply network." (Col. 5, lines 10-15).

On the contrary, the nature of the problem to be solved in Edson, is providing in-home communications between devices in the home over a telephone line or a twisted pair in which the telephone line and twisted pair are connected through a local gateway. (See Abstract).

Because the nature of the Deck problem, and the objective of Deck, is to transmit to a location that is remote from the transmitter, there is no suggestion or motivation to combine the

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Deck transmitter with an in-home network that requires the devices in communication to be close enough to one another to connect to either the telephone line or the twisted pair running throughout the home.

Accordingly, there is no suggestion or motivation to combine the Deck transmitter with the Edson telephone line due to the vast differences in the natures of the problems to be solved in Deck and Edson, which would render the Deck system unsatisfactory for its intended purpose, and therefore dependent Claims 3, 8, 10, 15, 17, 25 and 31 are not unpatentable over Deck in view of Edson.

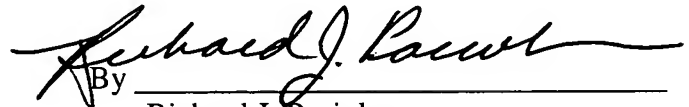
The Examiner has rejected Claims 19 and 27 under 35 U.S.C. §103(a) as being unpatentable over Deck in view of Lewis1 and further in view of Lewis et al. U.S. Patent No. 6,725,372 ("Lewis2"). The Applicant respectfully traverses these rejections.

Claims 19 and 27 are dependent on Claims 16 and 24, respectively. As such, Claim 19 includes all of the claimed limitations of Claim 16. and Claim 27 includes all of the claimed limitations of Claim 24, including a "non-dedicated local area network channel." Lewis2, while providing for a signal processing digital watermarking system, does not teach a "non-dedicated local area network channel." Accordingly, Lewis2 does not cure the deficiency noted above regarding the combination of Deck and Lewis1. Accordingly, the Applicant submits that even if there was a suggestion or motivation to combine Deck, Lewis1 and Lewis2, the combined references would not teach the claimed element of a "non-dedicated local area network channel."

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Accordingly, in view of the above amendment and remarks it is submitted that the claims are patentably distinct over the prior art and that all the rejections to the claims have been overcome. Reconsideration and reexamination of the above Application is requested.

Respectfully submitted,
CHRISTIE, PARKER & HALE, LLP

A handwritten signature in cursive script, appearing to read "Richard J. Paciulan", written over a horizontal line.

By Richard J. Paciulan
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